



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION**

**Denver Office
215 S. Wadsworth Blvd., Suite 303
Lakewood, CO 80226-1566**

August 2, 2005

Certified Mail # 7001 0320 0004 8142 7708
Return Receipt Requested

Rhett Frances Spencer
Heber City, Utah

NOTICE OF UNLICENSED OPERATION

Case Number: EB-05-DV-076
Document Number: W20053280003

The Denver Office received information that an unlicensed broadcast radio station on 106.7 MHz was allegedly operating in Heber City, Utah. On June 28, 2005, an agent from this office confirmed by direction finding techniques that radio signals on frequency 106.7 MHz were emanating from a building on 910 South in Heber City, Utah. The Commission's records show that no license has been issued for operation of a broadcast station at this location on 106.7 MHz in Heber City, Utah.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* A Denver agent measured the field strength of the signal on frequency 106.7 MHz at 9,233 microvolts per meter ($\mu\text{V}/\text{m}$) at 3 meters, exceeding the maximum permitted level of 250 $\mu\text{V}/\text{m}$ at 3 meters for a non-licensed device. Thus, this station is operating in violation of 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (See 47 U.S.C. §§ 401, 501, 503 and 510).

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Nikki P. Shears
District Director
Denver Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005